

Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.

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March 18, 1999

HAND DELIVERY

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

RECEIVED
MAR 18 1999
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Ex Parte Presentation

Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911
Emergency Calling Systems

CC Docket No. 94-102, RM-8143

Dear Ms. Salas:

AT&T Wireless Services, Inc., sent the attached letter to Dan Grosh, Senior Attorney, Wireless Telecommunications Bureau, via Federal Express on March 17, 1999. Pursuant to section 1.1206(b)(1) of the Commission's rules, four copies of this letter and attachment are being filed with the Office of the Secretary.

Sincerely,

Michelle Mundt

Michelle Mundt

cc: Dan Grosh

No. of Copies rec'd 014
UNABCODE



AT&T Wireless Services
Suite 900 South
8700 W. Bryn Mawr
Chicago, IL 60631

March 17, 1999

Dan Grosh
Senior Attorney
Wireless Telecommunications Bureau
Federal Communications Commission
445 Twelfth Street SW
Washington, D.C. 20554

RECEIVED

MAR 18 1999

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

Dear Dan:

On March 11, Doug Brandon and Karl Korsmo (of AT&T Wireless) and Michelle Mundt (of Mintz, Levin, Cohn, Ferris, Glovsky and Popeo) met with Tom Sugrue, Jim Schlichting, John Cimko and Nancy Booker to review AT&T Wireless' progress on implementation of Phase I Wireless Enhanced 911. We were hoping to see you at that meeting and were disappointed to have missed you.

We had hoped to follow-up with you personally regarding AT&T Wireless' Phase I trial experience in Minnesota, about which you heard a presentation while in San Antonio at the AIC Third Annual E9-1-1 Wireless Emergency Service Conference on January 20, 1999. As we briefly discussed on that date, AT&T Wireless felt that three factual points were inaccurately reported in that presentation. The attached very brief document outlines these points (regarding voluntary trial participation, call set-up performance and contractual issues). As you can see from our February 4 correspondence, we shared this feedback with the State's representatives and advised them of our plan to communicate with you.

We hope you find this material helpful. If you have any questions or concerns, please don't hesitate to call me at 773-695-2110 or Doug Brandon at our D.C. office at 202-223-9222. Thank you.

Sincerely,

Lori Buerger
Director -- External Affairs

cc: D. Brandon, K. Korsmo, D. Ryberg, P. White





AT&T Wireless Services
Suite 900 South
8700 W. Bryn Mawr
Chicago, IL 60631

February 4, 1999

Jim Beutelspacher
9-1-1 Product Manager
Minnesota Department of Administration
658 Cedar Street
Saint Paul, MN 55155

VIA FAX 651-297-5368

Dear Jim:

It was nice to see you at the AiC Conference last month in San Antonio. As you know, I was in the audience (as was Dan Grosh of the Federal Communications Commission Wireless Bureau) for your and Nancy Pollock's presentation regarding our joint Phase I Trial last year. I appreciated your invitation to participate in the presentation, but in light of our differing opinions regarding continuation of the trial, felt it better to decline.

There can be no doubt that reasonable people, due to different priorities and goals, can disagree over issues of policy such as whether or not to continue a service trial. As you know, AT&T Wireless' dual goals of providing superior wireless service to customers and meeting FCC obligations led to our decision against continuing the Phase I Trial in Minnesota. However, we feel strongly that some facts regarding our joint Trial are beyond dispute. Therefore we feel it necessary to inform the FCC of several facts which we feel were misrepresented at the AiC Conference. Soon we will be filing an Ex Parte document with the FCC Wireless Bureau, which will include the information attached regarding Minnesota.

I am sending you this material in advance, in draft form, as part of our ongoing effort to work as cooperatively with you as possible. Although this materials will not be filed with the FCC until next week at the earliest, I am faxing this to you today to ensure you are informed of our intent as early as possible.

If you'd like to discuss this material while it remains in draft form, please don't hesitate to call me at 773-695-2110. Thank you.

Sincerely,

Lori Buerger
Director of External Affairs

cc: Nancy Pollock, Metro 911 Board (via fax @ 651-603-0101)
Dee Ryberg, Peter White, Karl Korsmo, Doug Brandon, AT&T Wireless
Tom Sebastiani, SCC



**AT&T Wireless Minnesota Phase I Trial
Key Facts***

AWS participated in the Minnesota Phase I trial voluntarily, in an effort to cooperate as fully as possible with the state's PSAP authorities.

- AWS was the only wireless carrier to participate in the Phase I trial effort in Minnesota, despite misgivings regarding the state's technology preferences and lengthy efforts to convince the state to utilize AWS' preferred Non Callpath Associated solution..
- The company was not in danger of FCC violation if had chosen (as did all of its wireless competitors) against participating. No such FCC violation was threatened, since the FCC's requirement for carrier cost recovery was not met. In addition, AWS interprets the FCC order as guaranteeing carriers the right to select technology -- a right which was not afforded by the Minnesota Trial.
- The idea that AWS participated "unwillingly" is simply inaccurate.*

AWS ceased participation in the Phase I trial due to unacceptably long call set-up time of 14 seconds (versus 6 second call set-up time for Phase O, basic wireless 911 service).

- The State of Minnesota's preferred technology resulted in a call set-up time for Phase I wireless calls of 14 seconds. Call set-up time for 911 calls prior to the trial (Phase O, basic wireless 911 service) was 6 seconds. [See 10/9/98 letter from Jim Buetelspacher noting 14-second and 6-second call set-up performance.]
- AWS feels strongly that, to the extent allowed by FCC regulations, customer needs must dictate E911 decisions. The company determined that an additional 8-second delay is unacceptably poor performance for customers, leading to the decision to cease participation.
- After the trial ended, representatives of the State of Minnesota and the LEC met with AWS technical team members to suggest various ideas for reducing the unacceptable 14-second performance. AWS [see 11/24/98 correspondence] determined that none of the ideas would reduce the poor call set-up performance. In fact, the major concept offered was one which provided an earlier ring tone, an idea which does nothing to improve excessive call set-up time, but rather impacts only "perceived" delay.
- Public comments that the difference in call set-up performance was "1-1½" seconds are inaccurate.* When queried on the basis of this comment, Nancy Pollock of the Metropolitan 911 Board indicated it was an estimate of what the "perceived" delay could have been if several, untested modifications were implemented.
- The call delivery performance demonstrated in Minnesota's Phase I trial illustrates the technical flaws of the state's Phase I preferences -- and the superiority of AWS' preferred NCAS Phase I solution, which is currently providing 6-8 second call set-up time in multiple jurisdictions in Colorado and Oregon.

For the protection of all parties, AWS requires execution of a reasonable contract prior to E9-1-1 implementation.

- AWS requires contract execution, in order to make clear roles and responsibilities of all parties (particularly those of third-party vendors and Local Exchange Carriers); protect the confidentiality of proprietary information; set forth a system for cost reimbursement; and fully document testing plans, call verification procedures and routing methodologies.
- In order to minimize legal costs associated with Phase I implementation, AWS has developed a model contract, which it attempts to use as a starting point for all negotiations. The contract is 20 pages long, with attachments 21 pages in length.

- Some PSAPs have objected to having to execute such contracts, citing the very brief agreements typically executed with LECs. LECs are afforded this opportunity because their supporting documentation is typically included in state tariffs, allowing PSAP agreements for E9-1-1 services to be very brief. As CMRS carriers do not file tariffs, all issues normally addressed in tariff documentation must be included in the contract.
- The assertion that AWS forces PSAPs to execute a contract comparable in size to a 3-inch-thick book is a gross exaggeration.*

* All disputed statements made by Nancy Pollock, Executive Director, Metropolitan 911 Board, State of Minnesota) on 1/20/98 in presentation at the AiC Third Annual E9-1-1 Wireless Emergency Service Conference, San Antonio, Texas.



Department of Administration

October 9, 1998

Peter White
AT&T Wireless Services
15 East Midland Avenue
Paramus, NJ 07652-2936

9-1-1 Call Setup Time

Dear Peter,

As you know, the Minnesota Department of Public Safety and the Metropolitan 911 Board, the parties to the First Office Application (FOA) agreement, have responded to your September 29th letter regarding an extension of the FOA agreement. We are disappointed that the schedule of your technical personnel has apparently prevented them from meeting with us to review the setup time issues, and to work with us to improve them prior to the 15th of October.

We agree with the comments provided by the Metropolitan 911 Board, that Phase 0 with a six second setup time is not necessarily preferable to Phase I with a 14 second call setup time. From the public safety perspective, we have heard of no complaints from AT&T Wireless customers regarding setup time when they dial 9-1-1 in a FOA area. Regardless, we have been concerned about call setup times for both wired and wireless enhanced 9-1-1 calls, and have been working with 9-1-1 service provider U.S. West Communications to improve on the eight second 9-1-1 network setup time. We think U.S. West is close to resolving the issue, and would like to meet with your technical experts to discuss implementation of performance improvements.

Thank you for your consideration. Please call me on 651-296-7104 if there are questions.

Sincerely,


Jim Beutelspacher
9-1-1 Product Manager

CC: Honorable Steve Novak, Senate Jobs, Energy & Community Development
Honorable Loren Jennings, House Regulated Industries
Nancy Pollock, Metropolitan 911 Board
Captain Michele Tuchner, Minnesota State Patrol
Michele Owen, Attorney General's Office
Dee Ryberg, AT&T Wireless

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Cellular Division

AT&T Wireless Services
Suite 301
7900 Xerxes Avenue South
Bloomington, MN 55431

November 24, 1998

Jim Beutelspacher
9-1-1 Product Manager
Minnesota Department of Administration
658 Cedar Street
Saint Paul, MN 55155

Dear Jim:

Thank you for your time in meeting with the AT&T Wireless (AWS) team on October 29, 1998. We appreciated your team's willingness to suggest and discuss possible technical concepts for improving the unacceptable call set-up time associated with the system architecture, mandated by the Minnesota Department of Administration, which we tested during the first office application (FOA) which concluded October 15, 1998.

Unfortunately, in the judgment of our technical team, no concepts were offered at that meeting which would reduce the 14-second call set-up time experienced during the FOA or result in performance improvements in the near future.

The major proposal offered at the meeting (modification of the Cell Trace unit in order to allow earlier ring tone) does not correct or improve the excessive call set-up time AWS customers would encounter in attempting to reach emergency assistance. AWS believes no purpose is served by introducing a modification which may impact "perceived" delay time, but actually does nothing to decrease the delay or in any way improve system performance.

The other major concept discussed at the meeting (the possibility of US West replacing its current switches) appears likely to require an extremely lengthy lead-time, therefore also having no positive impact on system performance.

As we've discussed before, AWS remains committed to finding a mutually acceptable alternative for providing Phase I wireless E9-1-1 service in Minnesota. In the weeks ahead, we hope to meet with you to further discuss alternatives. I look forward to talking with you soon to schedule such a meeting.

Sincerely,


Dee Ryberg
AT&T Wireless Services

cc: Nancy Pollock, Metro 911 Board



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